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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,717	09/30/2003	Paul Blair	20375-042000	3445
20350	7590	01/05/2006	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			REAGAN, JAMES A	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 01/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/676,717	BLAIR ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	James A. Reagan	3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 21 October 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,2,6-8,12-15 and 17-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1, 2, 6-8, 12-15, and 17-21 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

**Status of Claims**

1. This action is in response to the RCE filed on 21 October 2005.
2. Claim 4 has been cancelled.
3. Claims 1 and 13 have been amended.
4. Claims 1, 2, 6-8, 12-15, and 17-21 have been examined.

**RESPONSE TO ARGUMENTS**

5. Applicant's arguments received on 21 October 2005 have been fully considered but they are not persuasive. Referring to the previous Office action, Examiner has cited relevant portions of the references as a means to illustrate the systems as taught by the prior art. As a means of providing further clarification as to what is taught by the references used in the first Office action, Examiner has expanded the teachings for comprehensibility while maintaining the same grounds of rejection of the claims, except as noted above in the section labeled "Status of Claims." This information is intended to assist in illuminating the teachings of the references while providing evidence that establishes further support for the rejections of the claims. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

**Claim Rejections - 35 USC § 103**

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 2, 6-8, 12-15, and 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Mahony "Electronic Payment Systems (c) 1997, in view of Cornwell "Western Union Reports Growth in Late Payment Collection Service."

**Examiner's Note:** The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

**Claim 1:**

O'Mahony, in chapters 4 and 5, teaches an electronic payment system wherein a consumer makes payments to a merchant through a third party, thereby disclosing the following limitations:

- *receiving a promise-to-pay record from a lender system operated by the lender at a payment service provider system operated by a payment service provider distinct from the lender, the promise-to-pay record identifying at least a payment amount and including a transaction identifier;*
- *receiving, at the payment service provider system, a record of receipt of a cash payment from the consumer to the payment service provider, the record*

*of receipt identifying a paid amount and including a purported identifier provided by the consumer;*

- *associating the record of receipt of the cash payment with the promise-to-pay record at the payment service provider system wherein associating the record of the cash payment with the promise-to-pay record comprises matching the purported transaction identifier provided by the consumer with the transaction identifier included in the promise-to-pay record;*
- *sending a notice from the payment service provider system to the lender system, the notice comprising an indicator that the cash payment has been received, the indicator identifying the paid amount; and*
- *initiating, with the payment service provider system, an electronic funds transfer of at least a portion of the paid amount to control of the lender in response to receipt of the cash payment by the payment service provider;*

O'Mahony does not disclose that the payment may be made at the payment service provider location. Cornwell, however, discloses the applicant's own invention in a published article, plainly showing that the invention was known, in its entirety and with equivalent intent, and released to the public domain on or about May of 1997. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the electronic payment system of O'Mahony with Cornwell disclosure of walk-up bill paying because Cornwell also discloses that late payment collection services have been widely used since 1997.

**Claims 2, 18, 19:**

The combination of O'Mahony/Cornwell discloses the walk-up electronic payment system as shown in the rejections of claim 1 above. O'Mahony/Cornwell do not specifically disclose:

- *storing a record of the cash payment in a database coupled with the payment service provider system;*

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- *the record of receipt of the cash payment includes a purported transaction identifier provided by the consumer ;*
- *associating the record of receipt of the cash payment with the promise-to-pay record comprises matching the purported transaction identifier provided by the consumer with the transaction identifier included in the Promise-to-Pay record.*
- *associating a transaction identifier with the promise-to-pay record with the lender system.*
- *providing the transaction identifier to the customer.*

However, the Examiner takes **Official Notice** that it is old and well known in the financial transaction arts to assign transaction identifiers to payments, keep transaction records, and provide copies of such records to a consumer. Maintaining proper records ensures protection against fraud, theft, and common transactional mistakes.

#### **Claims 6, 7, 8, 20, and 21**

The combination of O'Mahony/Cornwell discloses the walk-up electronic payment system as shown in the rejections of claim 1 above. O'Mahony/Cornwell do not specifically disclose:

- *the promise-to-pay record comprises a time limit, and wherein associating the record of receipt of the cash payment with the promise-to-pay record comprises verifying with the Payment service provider system that the cash payment was made to the payment service provider within the time limit;*
- *sending a request for instructions from the payment service provider system to the lender system if the time limit expires without the payment service provider receiving the cash payment;*
- *sending a request for instructions from the payment service provider system to the lender system if the consumer attempts payment after the time limit expires;*
- *receiving a request for instructions at the lender system from the payment service provider system;*

- *providing the payment service provider system with an instruction in response to the request for instructions from the lender system;*

However, the Examiner takes **Official Notice** that it is old and well known in the financial transaction arts to place time limits, expirations, and delinquency boundaries onto consumer accounts , as well as request continuing guidance regarding delinquent accounts to ensure that the lender's requirements are met. It is long-standing and recognized practice in the collection arts that each promise to pay also includes a date in which the payment is to be received, thereby encouraging debtors to pay as quickly as possible, without further tarnishing their credit or incurring further interviews with the debt collection authority.

**Claim 12:**

With regard to the limitations of:

- *the promise-to-pay record includes information that identifies the customer; and*
- *associating the record of receipt of the cash payment with the promise-to-pay record comprises verifying a consumer identity through a comparison with the information that identifies the customer in the promise to-pay record;*

O'Mahony in at least section 4.3 discloses PIN verification of a consumer, thereby disclosing verification of consumer identity.

**Claim 13:**

With regard to the limitations of:

- *receiving, at a lender system operated by the lender, a promise-to-pay a specified payment amount from the customer;*
- *creating a promise-to-pay record with the lender system, the promise-to-pay record including a the specified payment amount and an expiration time;*

- *transmitting the promise-to-pay record to a payment service provider system operated by payment service provider distinct from the lender,*
- *receiving a notice of payment at the lender system from the payment service provider system if the payment service provider received from the customer a cash payment that equals or exceeds the payment amount prior to the expiration time, and*
- *electronically receiving with the lender system a transfer of at least a portion of the payment amount pursuant to an electronic funds transfer initiated by the payment services provider system in response to receipt of the cash payment by the payment service provider;*

See the rejections above.

**Claims 14, 15, and 17:**

The combination of O'Mahony/Cornwell discloses the walk-up electronic payment system as shown in the rejections of claim 1 above. O'Mahony/Cornwell do not specifically disclose:

- *updating, with the lender system, the promise-to-pay record to include the notice of payment;*
- *receiving at the lender system a notice of non-effective payment from the payment service provider system;*
- *updating, with the lender system, the promise-to-pay record to include the notice of non-effective payment.*

However, It would have been obvious to one of ordinary skill in the art at the time of the invention to include an update step as well as notifications regarding the current status of an account because this would ensure that payments to delinquent accounts are properly handled.

**Requirement for Information Under 37 C.F.R. § 1.105**

1. Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.
2. The information is required to identify publications embodying the disclosed subject matter of a method and system for facilitating a sale of a product from an inventory of a selling entity. The Examiner upon conducting a search for prior art, discovered [3] published documents entitled:
  - Anonymous: "Payment Systems: Western Union Service for Overdue Accounts Resolving Delinquent Cards." Card News. Potomac: 13 August 1990. Volume 5, Iss 15; pg. 4.
  - Anonymous: "Western Union Service Growing." Bank Letter. New York: 28 May 1990. Vol. 14, Iss 21: pg. 8.
  - Cornwell, Ted: "Western Union Reports Growth in Late payment Collection Service." National Mortgage News. New York. May 5, 1997. Vol. 21; pg. 64.

The "Payment Systems: Western Union Service for Overdue Accounts Resolving Delinquent Cards" document discloses Western Union's Quick Collect service as applied to delinquent accounts that was offered at least as early as 13 August 1990. The "Western Union Service Growing" article discloses Western Union's Quick Collect service in which a consumer may pay a bill in cash and in person at a Western Union Office, a service offered at least as early as 28 May 1990. The "Western Union Reports Growth in Late payment Collection Service" also discloses Western Union's Quick Collect service, reporting on 05 May 1997.

3. In response to this requirement please provide any known publications, brochures, manuals and press releases that describe the Western Union Quick Collect service products that were the subject of the three articles. Please include any material that describes:
- a payment service provider contracting with a client to provide payment accounts to customers of the client, wherein a customer of the client pays funds into the payment account and uses the funds to purchase goods or services from the client;
  - the payment service provider receiving account information for the customers from the client;
  - storing the account information in a database;
  - receiving a request from the customer to make a payment to a client account;
  - receiving identifying information from the customer;
  - using the database to verify status of the client account;
  - the payment service provider receiving a payment from the customer
  - using a computer to establish the payment account with the payment service provider for the customer, wherein the computer is capable of communicating with a storage medium;
  - storing the payment account in the storage medium;
  - assigning a unique identifier to the customer, wherein the unique identifier is configured to provide the customer with access to the payment account to make further payments from the payment account without providing identifying information;
  - crediting the payment account in an amount corresponding to the payment;

- using a wire transfer to transfer the funds from the payment account to the client account upon receipt of the payment
- at a payment provider location, providing an enrollment system, wherein the enrollment system comprises a point of sale device associated with a money transfer system maintained by a payment provider, wherein the enrollment system includes an entry device, a display screen, and a memory;
- at the payment provider location, receiving into the point-of-sale device an identifier from the requestor wherein the identifier relates to a payee and a prior indebtedness of the requestor to the payee for a good or service provided by the payee;
- sending the identifier from the point-of-sale device to a host computer system;
- at the host computer system, using the identifier to locate a transaction record relating to the requestor and the payee;
- retuning at least a portion of the transaction record to the point-of-sale device;
- using the point-of-sale device to facilitate a payment to the payee from the requestor for the indebtedness;
- using at least a portion of the transaction record to obtain information about a good or service from a consumer provider that is different than the payee and loading the information into the memory;
- in association with facilitating the payment, displaying via the display screen at least one enrollment option relating to the consumer provider;
- receiving via the entry device a request for enrollment from the requestor to enroll with the consumer provider;

- processing the request for enrollment, wherein the requestor is enrolled with the consumer provider
- the consumer provider is a first consumer provider, and the memory further contains information associated with a good or service available from a second consumer provider, and wherein the method further comprises:
  - displaying via the display screen another enrollment option, wherein the other enrollment option includes the information associated with the good or service available from the second consumer provider;
  - the good or service available from the consumer provider is a first good or service, and the memory further contains information associated with a second good or service available from the consumer provider, and wherein the method further comprises:
    - displaying via the display screen another enrollment option, wherein the other enrollment option includes the information associated with the second good or service;
    - the consumer provider is a first consumer provider, and the memory further contains information associated with a third good or service available from a second consumer provider, and wherein the method further comprises:
      - displaying via the display screen another enrollment option, wherein the other enrollment option includes the information associated with the third good or service available from the second consumer provider.
      - a payment provider control, wherein the first enrollment device is communicably coupled to payment provider control via the communication network; and
      - a second enrollment device communicably coupled to the payment provider control via the communication network;

4. The fee and certification requirements of 37 C.F.R. § 1.97 are waived for those documents submitted in reply to this requirement. This waiver extends only to those documents within the scope of this requirement under 37 C.F.R. § 1.105 that are included in the applicant's first complete communication responding to this requirement. Any supplemental replies subsequent to the first communication responding to this requirement and any information disclosures beyond the scope of this requirement under 37 C.F.R. § 1.105 are subject to the fee and certification requirements of 37 C.F.R. § 1.97.
5. In responding to those requirements that require copies of documents, where the document is a bound text or a single article over 50 pages, the requirement may be met by providing copies of those pages that provide the particular subject matter indicated in the requirement, or where such subject matter is not indicated, the subject matter found in applicant's disclosure.
6. The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR 1.56. Where the applicant does not have or cannot readily obtain an item of required information, a statement that the item is unknown or cannot be readily obtained will be accepted as a complete response to the requirement for that item.
7. This requirement is subject to the provisions of 37 C.F.R. §§ 1.134, 1.135 and 1.136 and has a shortened statutory period of 2 months. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **James A. Reagan** whose telephone number is **571.272.6710**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **James Trammell** can be reached at **571.272.6712**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> . Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks**  
**Washington, D.C. 20231**

or faxed to:

**571-273-8300** [Official communications, After Final communications labeled "Box AF"]

**571-273-8300** [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window:**

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JAMES A. REAGAN  
Primary Examiner

Art Unit 3621

28 December 2005

